

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JIMI ROSE,  Plaintiff,  v.  CITY OF ALLENTOWN, and ZONING BOARD OF THE CITY OF ALLENTOWN, Defendants.	: : : : : : : : : :	CIVIL ACTION    NO. 02-CV-3842
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**ORDER**

AND NOW, this 9<sup>th</sup> day of November, 2004, it is hereby ORDERED as follows:

1. The trial in this matter shall commence at **9:00 a.m.** on **Tuesday, February 8, 2005**, and shall be held in Courtroom 12A, U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
2. On or before **Thursday, December 9, 2004**, each party shall file with the Court the following in preparation for trial:
  - a. PRETRIAL MEMORANDUM: The pretrial memorandum shall set forth:
    - (i) a brief statement of the nature of the case to be presented and a concise statement of the narrow issues to be addressed;
    - (ii) a list of all witnesses to appear at trial<sup>1</sup> with a brief statement of the nature and duration of each witness's anticipated testimony (witnesses not listed may not be called in a party's case in chief);

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<sup>1</sup> In the event that any witness will be in custody at the time of trial, the party seeking to call such witness shall provide the Court with such witness's current place of confinement and institutional number, and such party shall be responsible for preparing and submitting a writ to secure the presence of such witness on the trial date.

- (iii) a list of all exhibits to be offered at trial (pre-numbered and pre-exchanged among all counsel);
  - (iv) an itemized statement of damages and/or other tangible relief sought by any party seeking damages and/or other tangible relief;
  - (v) a list of stipulations between the parties, and a list of disputed and undisputed facts (counsel shall make a conscientious effort to narrow the factual areas of dispute);
  - (vi) an estimation as to the time for presentation of each party's case; and
  - (vii) all other disclosures required by Fed. R. Civ. P. 26(a)(3).
- b. MOTIONS: Pretrial motions shall be filed regarding all significant evidentiary or other issues anticipated to arise during trial (including issues pertaining to the admissibility of particular witness testimony or particular exhibits), and setting forth pertinent legal authority (including case law, statutory law, procedural rules, evidentiary rules, etc.). Responses to any such pretrial motions shall be filed on or before **Tuesday, January 4, 2005**.
- c. POINTS FOR CHARGE: After meeting and conferring: (i) in a case to be tried before a jury, the parties shall jointly submit proposed points for charge upon which the parties have agreed, and shall individually submit any disputed points for charge accompanied by a reference to the single best authority supporting the disputed point; or (ii) in a bench trial, the parties shall jointly submit proposed findings of fact and conclusions of law upon which the parties have agreed, and the parties shall individually submit any disputed findings and conclusions accompanied by a reference to the single best authority supporting any disputed legal conclusions.<sup>2</sup>

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<sup>2</sup> The parties may file supplemental proposed jury instructions, or supplemental proposed findings and conclusions, after all the evidence has been presented at trial.

- d. JURY VOIR DIRE AND VERDICT SHEET: In a case to be tried before a jury, after meeting and conferring: (i) the parties shall jointly submit proposed jury voir dire questions upon which the parties have agreed, and each party shall individually submit proposed jury voir dire questions upon which the parties cannot agree; and (ii) the parties shall jointly submit a proposed jury verdict sheet if the parties have agreed upon one, or the parties shall individually submit proposed jury verdict sheets if one has not been agreed upon.

BY THE COURT:

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Legrome D. Davis, J.